

Order

**Michigan Supreme Court
Lansing, Michigan**

January 8, 2008

Clifford W. Taylor,
Chief Justice

ADM File No. 2007-27

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 5.125 of the Michigan
Court Rules

On order of the Court, the need for immediate action having been found, the notice requirements are dispensed with and the following amendment of Rule 5.125 of the Michigan Court Rules is adopted, effective immediately. MCR 1.201(D). Comments will be received and may be sent to the Supreme Court Clerk in writing or electronically through January 23, 2008, to P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2007-27. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm. The amendment will be considered at the Supreme Court's public hearing scheduled for January 23, 2008. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

[The present language is amended as indicated below by strikeouts and underlining.]

Rule 5.125 Interested Persons Defined

(A)-(B)[Unchanged.]

(C) Subject to subrules (A) and (B) and MCR 5.105(E), the following provisions apply. When a single petition requests multiple forms of relief, the petitioner must give notice to all persons interested in each type of relief:

(1)-(21)[Unchanged.]

(22) The persons interested in a petition for appointment of a guardian of an alleged incapacitated individual are

(a) the alleged incapacitated individual,

- (b) if known, a person named as attorney in fact under a durable power of attorney,
- (c) the alleged incapacitated individual's spouse,
- (d) the alleged incapacitated individual's children and ~~or, if no adult child is living,~~ the individual's parents,
- (e) if no spouse, child, or parent is living, the presumptive heirs of the individual,
- (f) the person who has the care and custody of the alleged incapacitated individual, and
- (g) the nominated guardian.

(23)-(31)[Unchanged.]

(D)-(E)[Unchanged.]

Staff Comment: The amendment of MCR 5.125 conforms the rule to language in MCL 700.5311 by clarifying that parents are interested persons entitled to notice in a petition for the appointment of a guardian of an alleged incapacitated individual, regardless of whether the alleged incapacitated individual has living adult children.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 8, 2008

Corbin R. Davis
Clerk